

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING & DEVELOPMENT CONTROL COMMITTEE**

DATE: **WEDNESDAY, 12 DECEMBER 2012**

REPORT BY: **HEAD OF PLANNING**

SUBJECT: **049981 - GENERAL MATTERS - ERECTION OF KELSTERTON CONVERTER STATION COMPRISING VALVE HALLS, A CONTROL BUILDING AND A SPARES BUILDING TOGETHER WITH OUTDOOR ELECTRICAL EQUIPMENT AND ASSOCIATED INFRASTRUCTURE, SECURITY FENCING, LANDSCAPED AREAS AND HABITAT CREATION AT CONNAH'S QUAY POWER STATION, KELSTERTON ROAD, CONNAH'S QUAY, DEESIDE**

1.00 APPLICATION NUMBER

1.01 **049981**

2.00 APPLICANT

2.01 **NATIONAL GRID**

3.00 SITE

3.01 **CONNAH'S QUAY POWER STATION, KELSTERTON ROAD, CONNAH'S QUAY, DEESIDE**

4.00 APPLICATION VALID DATE

4.01 **10/09/12**

5.00 PURPOSE OF REPORT

5.01 To update Members with regard to the planning application proposing the erection of the converter station at Kelsterton in view of the fact that an appeal has been lodged against the council's refusal. Following the resolution at the 10th October 2012 meeting of the Planning and Development Control Committee, to refuse the above planning application, Members views are sought on the refusal reasons attached to the decision notice. The previous report submitted to Committee is appended

6.00 **REPORT**

6.01 Where a decision is taken at Committee against officer recommendation on any particular application, it is the role of officers to draft the precise terms of that decision, in this instance the reasons for the refusal of planning permission. At the earlier Planning and Development Control Committee on 10th October 2012 Members resolved to refuse planning permission, as follows,

6.02 **1. The proposed development by virtue of its scale and close proximity to residential properties would potentially be detrimental to the residential amenity that those properties could reasonably expect to enjoy by way of visual and noise impacts, particularly when alternative sites in the locality which are likely to have a lesser residential impact have not been adequately explored. The proposed development is contrary to planning policies STR7, GEN1, D1, D2, CF7, EM1 and EM7 of the adopted Flintshire Unitary Development Plan and advice as contained within Planning Policy Wales 2011.**

There was a significant amount of debate on the proposal as regards noise impact. Members will recall that the Council's Head of Public Protection did not offer any noise objections to the proposed development. Nonetheless members considered this issue should form part of the refusal reason. Bearing in mind an appeal has been lodged against the reason for refusal it was considered prudent on the Council's behalf that the advice of an external noise consultant was sought on noise issues relating to the development. An acoustic engineer was provided with the full information presented to the Council relevant to their specialist topic. The acoustic engineer has confirmed that on technical grounds overall noise impact on the nearest receptors will be low. That being the case, then both internal and external acoustic analysis of the proposed development, raise no objections on noise grounds.

Conclusion

6.03 In light of the response from the external acoustic consultant to the noise element of the proposed development, it is considered that it would be difficult to successfully defend a noise related refusal reason, and to provide a robust case on the Council's behalf during the course of the appeal. If the Council proceed with the noise element of the refusal, then at appeal, the appellant may consider due to the circumstances to make an application for costs against the Council. A resolution on how to progress defending the refusal decision notice is therefore sought with the best option for proceeding being to defend the refusal based on refusal reason 1 above but without the specific reference to noise.

7.00 **RECOMMENDATIONS**

7.01 In light of the above, that Members authorise officers to defend the proposal based on refusal reason 1 minus any specific reference to noise.

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